

Ordered—That the Loan Estimates be forwarded with a message to the Legislative Council, and their concurrence desired therein.

ADJOURNMENT.

The House adjourned at 12:30, midnight.

Legislative Council,

Friday, 18th March, 1892.

Suspension of Standing Orders—Loan Estimates, 1892—Municipal Water Supply Preservation Bill: first reading; second reading: committee; third reading—King George's Sound Garrison Discipline Bill: Legislative Assembly's amendments: bill laid aside—Prorogation of Parliament.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 11 o'clock, a.m.

PRAYERS.

SUSPENSION OF STANDING ORDERS.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the Standing Orders relating to the different stages of bills be suspended during the present sitting of the Council.

Question—put and passed.

LOAN ESTIMATES, 1892.

The House resolved itself into committee to consider the Loan Estimates for 1892.

THE COLONIAL SECRETARY (Hon. G. Shenton): These Loan Estimates are submitted to the Council under the provisions of the Audit Act of last year. Before moving that they be passed, I propose to make a few remarks upon them. If hon. members will turn to page 13 they will see the works that the Government propose to carry out during the year. In arranging these there has been some little difficulty in carrying out

the provisions of the Audit Act. Under that Act the salaries have to be apportioned to each work, and therefore these Estimates make the staff appear large; but if hon. members will look into the items they will see the salaries are distributed over the whole of the works for the year. I must say this seems to me rather a cumbersome way of doing it, but the Act requires it to be done. The Government have already stated in this House that they will not undertake the railway to the Vasse until the Mullewa and Yilgarn railway lines are commenced. In this Estimate we ask for £669,963 16s. 1d., to be expended as follows:—
 " Railway from Perth to Bunbury, from
 " Boyanup to Minninup Bridge, and from
 " Boyanup to Busselton, £259,682 11s.
 " 8d.; Railway from Eastern Railway to
 " Yilgarn Goldfields, £100,000; Railway
 " from Geraldton to Mullewa, £40,000;
 " Improvements to Eastern Railways and
 " Railway Stations, £38,901 17s. 2d.;
 " Additional Rolling Stock for existing
 " Railway Lines, £10,000; Railway Sur-
 " veys, £15 15s. 2d.; Telegraph Line
 " from Beverley to Broome Hill, Vasse
 " to Cape Leeuwin, Flint Cliff to Fresh-
 " water Camp in Sharks Bay, completion
 " of Telegraph Line between Derby and
 " Wyndham, and repairs to existing lines,
 " £11,804 15s. 7d.; Harbor Works at
 " Fremantle, including extension of Jetty
 " and improvements to Approaches,
 " £80,000; Harbor Works at Geraldton,
 " including new jetty, £15,000; Addi-
 " tional shipping facilities and repair of
 " Tramway at Carnarvon, and Dredging,
 " £1,239 8s. 9d.; Shipping facilities at
 " Ashburton, Landing Stage and Ap-
 " proach, and Buildings, £1,500; Harbor
 " Improvements at Cossack, extension of
 " Jetty and Approaches, £4,750 2s.; Im-
 " provements at other Ports and Contin-
 " gencies, £1,537 1s. 3d.; Purchase of
 " Steam Dredge or Dredges, and Dredg-
 " ing, £40,000; Development of Gold-
 " fields and Mineral Resources, £30,000;
 " Surveys of Land for Agricultural set-
 " tlement along Railways, £7,000; Im-
 " migration, £10,000; Lighthouse at
 " Cape Leeuwin, £500; Public Buildings
 " at Geraldton, Cossack, and other Nor-
 " thern Towns, £3,295 0s. 1d.; Grants
 " in-aid to Roads and Bridges, and Water
 " Supply on Roads, £14,737 4s. 5d."
 We ask for authority to expend these

moneys, although it is very probable that the whole amount asked for will not be required during the year. I now move, "That this Council agrees to this expenditure out of the Loan according to the Estimates now laid on the table and transmitted by Message No. 53."

THE HON. J. W. HACKETT: I think it would be as well to follow the wording of the Act.

THE COLONIAL SECRETARY (Hon. G. Shenton): Yes. By the Act the other House approves of the expenditure, and we sanction it.

THE HON. J. W. HACKETT: I for one claim that although these Estimates are transmitted by message we have nothing to do with the message. We have only to do with the Estimates, and I suggest that all allusion to the message be left out, and that we simply sanction the expenditure.

THE COLONIAL SECRETARY (Hon. G. Shenton): Very well. Then I move, "That this House sanctions the expenditure as proposed by these Loan Estimates."

THE HON. T. BURGESS: I am sorry to find that we are being treated to-day in something like the same manner we were last evening over the Midland Railway proposals, which were brought up to this House at the eleventh hour. We have no time whatever to consider these Estimates, and we are expected, at a moment's notice, to sanction this expenditure. I, for one, object to them being hurried through this House, and I wish to record my disapproval of such a course with regard to any measure of so important a character as this. I must say that the proceedings last night with regard to the message on the Midland Railway were hurried through in such a manner as I cannot approve. We have now before us Estimates for the expenditure of a large sum of money. I know that we can only concur in them or reject them altogether; but still a longer opportunity should be afforded this House to consider them before we are asked to pass such an expenditure as £269,000. These Estimates were only placed before us a few hours before the time when the House will be prorogued, and I only wish now to record my opinion that in future, in connection with all messages of such

an important character as this, hon. members of this House shall have a reasonable and fair time to consider them, and that we shall not be hurried and driven into a corner as we find ourselves now. I looked upon the Midland Railway proposals as involving very serious consequences to this colony. I know there was a majority in favor of them; but I do think that those who were not disposed to agree with them should have had an opportunity of expressing their opinions. We asked for that opportunity, and, for some reason or other which was not satisfactorily explained—

THE HON. J. W. HACKETT: Had you remained you would have had an opportunity of expressing your views.

THE HON. T. BURGESS: I say we wanted a longer opportunity, and that was refused. These Estimates now before us involve an expenditure of over £600,000, and it is only competent for us either to concur in them or to reject them. To make any movement towards rejecting them would be a grave and serious step, and yet it must not be forgotten that we have that power. When we have that power, I think the least we can have is a reasonable and fair time to consider them. I do not wish to place myself in opposition to the Government; I wish to support them as far as possible in everything connected with the welfare of the colony; but when we see this House, as I maintain it has been, forced into passing measures in a hurried way, we can only come to the conclusion that we are being treated unfairly and unreasonably. We are here to perform certain duties, and I think a fair and reasonable time should be given us in which to do them. If members of the other House are in a hurry to get over their work and prorogue, that is no reason why this House should be unnecessarily hurried through its duties. I hope in the future that this Council will have time to consider the measures put before us, without being hurried and forced into a position which I for one must take exception to. Last night I felt it my duty to leave the House, with other hon. members, and the reason we adopted that course was that we considered that we were not being afforded an opportunity of fully giving our opinions. We did not so much intend to oppose the Government, but we

merely required a certain amount of time.

THE PRESIDENT: I would observe in regard to the hon. member's remarks that as a matter of fact it rests with the House itself as to what time it will take to consider any measure. It rests with the House now to say whether it will at once pass these Loan Estimates, or whether it will take further time to consider them.

THE HON. T. BURGESS: I am aware of that, but last night there were five members against seven—no very large majority certainly—who wished for further time, and under the circumstances I think it should have been granted.

THE PRESIDENT: So far as the prorogation is concerned, it cannot take place until these Loan Estimates are passed.

THE HON. T. BURGESS: We were told last night that the prorogation would take place on Friday, and that it would take place in spite of us.

THE HON. J. W. HACKETT: Who made that statement?

THE HON. T. BURGESS: I think the hon. member who has just spoken did.

THE HON. J. W. HACKETT: My recollection of what I said is totally different from that.

THE HON. T. BURGESS: My recollection is that we were told that unless these resolutions were passed the prorogation would take place in spite of us.

THE HON. J. W. HACKETT: The hon. member has repeated that. I never made any such remark.

THE COLONIAL SECRETARY (Hon. G. Shenton): Last evening I was asked indirectly when the Government proposed to prorogue, and I said that if the work was finished we proposed to prorogue at half-past four o'clock to-day; but we certainly did not intend to prorogue unless the work was finished. With regard to going on with the work, last night there was a general wish on the part of hon. members to proceed. A division was taken, and a majority of hon. members decided to go on. The business of the House is ruled by the majority, and the majority having decided, I do not see how the Government can be blamed for following that decision. In the afternoon I was asked how long the House would sit, and said I thought it would be until midnight or one o'clock in the morning so that we

might decide upon the proposals. I was prepared to sit here, and I think it would have been better if, instead of leaving the chamber, the Hon. Mr. Burgess and those who went with him on this question had remained and expressed their opinions. Hon. members, I feel sure, had all made up their minds on the subject, and therefore if we had discussed it all night, the division list would have been the same. In every case I have endeavored to defer the consideration of matters brought before the House as long as possible, so that hon. members should have full time to discuss them. In this instance, however, it is a matter for regret that both the Midland Railway proposals and the Loan Estimates have come to us at a late hour, but I am sure that the Government are not altogether to blame for this.

THE HON. T. BURGESS: I do not wish to blame the Government; I only referred to the attempt last night to rush business through this House in a short space of time. If the Assembly has concluded its business, the Government might consider this House somewhat, and give us a fair and reasonable opportunity of debating the measures which are brought before us. We are not here to confirm; we are here to consider the bills.

THE HON. J. W. HACKETT: And to debate them; not to walk out of the House.

THE HON. T. BURGESS: We considered it useless to debate.

THE HON. J. W. HACKETT: But we are sent here to debate, and you walked out.

THE HON. T. BURGESS: We wanted a certain time to consider the proposals, and we could not get it. However, the Assembly has finished its business, it is no reason why this House should be called upon to decide everything within a few hours. I hope in future this hurried way of bringing business forward will not be pursued.

THE PRESIDENT: I have been very lenient with the hon. member, but I must say his remarks are altogether beside the question.

THE HON. J. W. HACKETT: As the hon. member has spoken twice in a perfectly irrelevant strain, perhaps the committee will bear with me a moment while I allude to one or two of the hon. mem-

ber's remarks which were directed to myself. The hon. member stated that we were threatened with prorogation to-day, notwithstanding that we might have adjourned the consideration of the Midland Railway proposals until Monday. Now there is only one hon. member of this House who is in a position to make an official statement with regard to the prorogation. The closing of Parliament is one of Her Majesty's prerogatives, and when it is to take place can only be intimated by one of her Ministers. In what I said I simply alluded to what it was possible to do; but I am sure no words of mine could be taken to imply any authority. There is no one more anxious to uphold the privileges of this House, and who is prepared to go to further lengths to establish its rights, than I am. We have a certain hold over the Government, and we are in a position to prevent any business being hurried, but let me remind hon. members that there was no compulsion on the part of the Government to bring these Midland Railway proposals before this House at all; still they have done so. Had we, therefore, refused to discuss them, or had we carried over the debate until Monday, what position should we have been in? The Government would probably not have so completely disregarded the convenience of hon. members of another place and the convenience of a majority of this House to—

THE HON. T. BURGESS: A majority of two.

THE HON. J. W. HACKETT: On that division; and I think if hon. members will calculate it, they will find that 7 to 5 is equal to about a 40 per cent. majority. However, I was about to say that I did not think the Government would have been justified in disregarding the feelings of both Houses in allowing the discussion to be adjourned until Monday, especially as no practical good could result from it. We have had everything before us that it was necessary for us to have for many days past, and therefore I argued that the Government was quite right in going on. I said it was generally understood that the prorogation would take place on the following day, and I think I said I heartily hoped it would. What I intended was that if these Loan Estimates were passed, and the debate on the

Midland Railway proposals was adjourned until Monday, it was very probable the House would be prorogued to-day. I must say, however, that I cordially agree with the hon. member that next session the Government should take steps to see that the important business is brought before this House at a much earlier stage.

THE HON. T. BURGESS: And also give us time to consider it.

THE HON. J. W. HACKETT: Yes, and also give us time to consider it. In this case, however, the short time which has been given us has been inevitable. The Midland Railway question only came to the surface within the last week or two, and as to the Loan Estimates, they were only disposed of this morning by the Assembly. They have only been laid on the table of the other House within the last week and the delay has been caused by the Government endeavoring to comply with the provisions of the Audit Act, which make it certainly confusing, not only to those who have to prepare these Estimates, but also to members of both Houses. As to the Estimates themselves, the hon. the Colonial Secretary has gone thoroughly through them. I presume it is not the wish of this House to discuss them in detail, especially as we have previously considered them when the Loan Bill was before us. I for my part shall agree to accept them in the way they have been proposed by the hon. the Colonial Secretary.

THE COLONIAL SECRETARY (Hon. G. Shenton): No one regrets more than I do the late hour at which these Estimates have been laid on the table. But I may tell hon. members that they were not finished until last Monday morning, and hence it cannot be said that there has been much delay. What delay there has been has been caused by the Government endeavoring to comply, as far as possible, with the requirements of the Audit Act. The Estimates were prepared nearly a month ago, but it was found that they did not fulfil the requirements of the Audit Act, and they had to be remodelled. I will promise this, however, that another year they shall be laid before hon. members at an earlier date.

THE HON. E. T. HOOLEY: I must say I am in accord with very much of what the Hon. Mr. Burgess has said. An

important matter, such as this, only reached us 10 or 15 minutes ago, and it is unreasonable to suppose that is a fair and reasonable time in which to inspect or to consider it. I hope, however, in future that more time will be given us.

THE HON. J. MORRISON: It is stated that these Estimates had to be altered to bring them in accord with the Audit Act, but I think it would have been much better had they not been altered at all. To prepare them in this way must have involved a great deal of work, unnecessary work, to the department, and I hope in future that some alteration will be made. If necessary, we can amend the Act. I endorse what the Hon. Mr. Burges has said, that it is only fair that we should have more time than has been given us to consider these important matters; but I do hope that in future there will be no walking out of the House because hon. members are beaten on a division. If anyone has reason to complain it is myself. We came down here as a gallant little band going to capsize everything, and because we are beaten on the first division, my hon. friends walk away and leave me all alone. In consequence of this it goes forth to the world that there was no opposition. There was some opposition, but it melted.

Question—put and passed.

MUNICIPAL WATER SUPPLY PRESERVATION BILL.

This bill was received from the Legislative Assembly, and was read a first time.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to apologise to hon. members on account of this bill being placed in their hands at so short a notice, but I may say that it was only introduced into the Assembly last evening by a private member, and so important was the subject considered that the Standing Orders were suspended, and the bill passed through all its stages, so that it could come before us this morning. It appears that the Canning Timber Station is situate on a gully which runs into the reservoir of the Perth Waterworks Company, and that fact was only discovered yesterday morning. Unfortunately ty-

phoid fever has broken out at this Mill. Inquiries were made, and it was found that several urinals and closets are erected in this gully which leads to the reservoir; and although there are certain provisions in the Health Act, and in the Waterworks Act, that deal with the pollution of streams running into the reservoir, it is considered such a serious matter that all doubt as to whether the powers under these Acts are sufficient should be removed, and it is for this purpose that the bill now before the House has been introduced. The bill provides, in clause 2, that the "catchment area of any municipal water supply shall, for the purposes of this Act, be under the control and jurisdiction of the local Board of Health of the municipality for which such supply is obtained, as completely as if the same were a part of the municipality." Clause 3 provides: "The provisions of 'The Public Health Act, 1886,' and any Act incorporated therewith, shall apply to the said water supply areas as fully and effectually as if such areas were included within municipal boundaries: provided, however, that no such areas shall be liable to be rated under the provisions of 'The Public Health Act, 1886.'" And clause 4 reads:—"Every local Board of Health shall have full power and authority to make and enforce by-laws subject to the provisions of 'The Public Health Act, 1886,' and any Act incorporated therewith, for any or all the purposes of the last recited Acts, and for the specific purposes of this Act, and especially—(a) For preventing the deposition of faecal matter in or near the watercourses, gullies, brooks, or reservoirs of the said areas; (b) For the compulsory construction of closets and cesspits for the use of the inhabitants of any dwelling, hut, or tent within the said areas; (c) For the disposal of night-soil, dung, manure, refuse, or any offensive matter; (d) For regulating and determining the position of closets, stables, cow-sheds, pig-sties, and goat-sheds within the said areas; (e) For defining the precautions to be taken in respect of any person suffering from any infectious disease." These are the provisions of the bill, and I need hardly impress on hon. members the importance of them. Typhoid is one

of the greatest scourges in any country, and unless firm measures are taken to suppress it, we do not know how far it may extend. The Government, therefore, come down, even at the last moment, and ask this House to pass this bill. I move that the bill be read a second time.

Question—put and passed.

IN COMMITTEE.

Clauses 1 and 2:

Put and passed.

Clause 3—Provisions of Public Health Act and amendments to apply to said bill:

THE HON. J. W. HACKETT: It appears to me that in keeping our eyes fixed on the Canning, we have lost sight of other places. What, for instance, is the catchment area at Fremantle? I should say it was all round the gaol hill; and the water comes from springs which are supplied from the catchment area.

THE COLONIAL SECRETARY (Hon. G. Shenton): Mr. Hardman, when he was here, said that the water at Fremantle was obtained from an underground stream, and that it was generally considered it came from the Darling Range. This bill is only brought in at the last moment as a temporary measure, but probably next session further amendments will have to be made in the main Act. I ask the House to accept this bill as it stands now.

THE HON. J. W. HACKETT: I am quite willing to fall in with the hon. the Colonial Secretary's suggestion; but I think this clause could be made more clear if the words "within the municipal boundary" were added.

THE COLONIAL SECRETARY (Hon. G. Shenton): It is only a temporary bill, and I would rather hon. members would pass it as it stands, at this stage of the session.

THE HON. J. W. HACKETT: If the Fremantle water comes from the Darling Range it extends the jurisdiction of the Fremantle Local Board to goodness knows where.

Clause agreed to.

The remaining clauses were passed, and the bill reported.

THIRD READING.

The bill was then read a third time and passed.

KING GEORGE'S SOUND GARRISON DISCIPLINE BILL.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

Message No. 56.

"Mr. President,

"The Legislative Assembly having this day considered the amendments made by the Legislative Council to the King George's Sound Garrison Discipline Bill, as contained in their Message No. 42, acquaints the Legislative Council that it agrees to Amendment No. 1 with further amendments as indicated by the annexed schedule, and agrees to Amendments Nos. 2, 3, 4, 5, 6, and 7.

"The Legislative Assembly requests the concurrence of the Legislative Council in the proposed amendments on their Amendment No. 1.

"JAS. G. LEE STEERE,
"Speaker."

"SCHEDULE.

"In Amendment No. 1, line 12:

"To strike out the words 'this Act,'
"and to insert in lieu thereof the
"words 'the Act hereinafter men-
"tioned.'

"In Amendment No. 1, line 15:

"Between the words 'and' and 'to,'
"to insert the words, 'the said
"troops shall also be subject,'"

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the first amendment be agreed to.

THE HON. J. W. HACKETT: The whole of the objections we took to this bill have now been re-inserted. Under this amendment the troops in this colony will be under South Australian law and under South Australian discipline. In the select committee we recommended that the troops should be brought under the Mutiny Act of the Imperial Government, and that the rules and regulations made under that Act should be such as could be agreed upon between the Governor of South Australia and the Governor of Western Australia. Now the hon. the Attorney General with one stroke of the pen has reversed the decision of both this House and the select committee of which he was a member. He has struck out, in the first clause, the words "this Act," and has inserted other words which will render the troops subject to the

Mutiny Act and the regulations made thereunder, so far as the same are not inconsistent with the South Australian Military Force Act and the rules and regulations made thereunder. Therefore instead of the troops being under our control, which every hon. member of this House desired they should be, they will be placed under the South Australian Act. I am grieved to find that at the last moment such a blow should have been struck at the resolution of this House, and I hope hon. members will go with me in resisting these amendments. We decided that it should be West Australian law and West Australian regulations that the troops should be subject to. Now that decision is completely reversed, as is also the understanding the Attorney General himself, in the select committee, agreed to, and upon which understanding we passed the bill.

Question—That the amendment be agreed to—put and negatived.

THE COLONIAL SECRETARY (Hon. G. Shenton): I now move that the second amendment be agreed to.

Question—put and passed.

The House then, at 12:30 o'clock, adjourned until 2:30 o'clock, p.m.

On resuming, THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

"Mr. President,

"The Legislative Assembly acquaints the Legislative Council that, in reply to their Message No. 45, it insists upon the Amendment whereby it was proposed to strike out the words 'this Act' and to insert the words 'the Act' hereinafter mentioned' in lieu thereof, in the first clause of the King George's Sound Garrison Discipline Bill, and requests the Legislative Council to reconsider the matter.

"JAS. G. LEE STEERE,

"Speaker."

The House then resolved itself into a committee of the whole for the purpose of considering the message.

THE COLONIAL SECRETARY (Hon. G. Shenton): The Legislative Assembly have refused to withdraw this amendment, and I can now only hope that hon. members will give way and allow this bill to pass. Unless there is some legislation we shall be in the position that

the forts will be completed, the guns will arrive, and we shall have no men to look after them. This bill is only proposed to operate until next session, and I ask hon. members, therefore, whether it is not advisable for them to withdraw their opposition. We are only paying £1,000 a year for this garrison, out of a total cost of £4,000. The fortifications cost £15,000, and out of that we are only paying £5,000. I think, therefore, we should do something to meet the other colonies.

THE PRESIDENT: We have yet to learn that in passing this amendment we are meeting the wishes of the other colonies. I do not, however, say whether this amendment is desirable or not. The bill was referred to a select committee, which acted in conjunction with the Attorney General, and certain amendments were agreed to, and then this House, without any discussion, and in a most loyal manner, adopted the bill as drafted by this select committee and approved by the Attorney General. It was sent to the Assembly, and now it is returned with two amendments. The first one appears to be an important one, although it is not for me to say whether it is so or not; but it is my duty to tell hon. members that these amendments have come to us with no reasons. These the other House are bound to give when sending amendments to us. I feel bound to say, as President of this House, that hon. members have not been treated fairly. The bill was referred to a select committee, and the Attorney General co-operated with that committee, and now, after the bill has been considered by the committee and approved by the Attorney General, and passed by this House, it is returned with an amendment. I do not know whether the amendment is desirable, but I must point out in regard to it that the Standing Orders have not been complied with.

THE HON. J. W. HACKETT: I do not wish to say a single word to embitter the situation, which, I protest, is not of our making. I will not detain the House, except to say that I am sure hon. members on both sides concur with the remarks that you, sir, have made so temperately and yet so loyally in accordance with your duty to the Council over which you have the honor to preside. The Hon. Mr. Amherst, whom I must con-

gratulate upon the course he induced us to take in regard to this bill, got us to refer it to a select committee, which had the advantage of the coöperation of the Attorney General. That committee went through the papers and Acts which were before us, and the result was the drafting of the bill which was to supplant the old one. Now what do I hold in my hand? It is the draft of this bill as prepared by the Attorney General in that select committee, and hon. members will find that it agrees in every word with the bill that was passed by this House. After all this, this amendment is made. I feel certain there is only one course open to us. The Government will not meet us; the Assembly refuses to do so. I hardly like that term; I will say we are refused to be met, and it therefore remains to us to adopt the only course open to us, namely, to lay this bill aside. With this amendment in it, I take it upon myself to say that the officer administering the Government of this colony could not assent to the bill, and hand over the powers delegated to him by Her Majesty, as Commander-in-Chief of the colony, to some other gentleman. I beg, sir, to hand the original draft bill to the Clerk of the House.

THE HON. J. G. H. AMHERST: I may state that in select committee we went thoroughly into this matter. The object of my motion to refer the bill to a select committee was to see if we could not, if possible, remove this objectionable clause. We did remove it, and now this amendment brings it back. Under these circumstances, I cannot assent to the bill.

THE HON. T. BURGESS: I regret we find ourselves in this dilemma. Here is an important bill which we cannot rectify, and I see no other course than to allow it to be laid aside. There may be some way out of the difficulty, but we have no time to consider it, as it is shortly proposed to prorogue.

THE HON. D. K. CONGDON: I regret this amendment has been brought in at this late hour. Considering the lengths hon. members went to prevent the Government losing this bill altogether, I do not think that this amendment should have been introduced.

THE HON. J. W. HACKETT: I move that the Council having reconsidered the

first amendment, have not agreed with it.

Question—put and passed.

Bill laid aside.

The sitting of the Council was then suspended until half-past four o'clock, p.m.

THE PROROGATION.

At 4:30 o'clock, p.m., the approach of His Excellency the Administrator was announced by the Usher.

His Excellency the Administrator came into the Council Chamber, and commanded the Clerk to desire the attendance of the members of the Legislative Assembly; who being come with their Speaker,

HIS EXCELLENCY was pleased to speak as follows:—

"MR. PRESIDENT AND HONORABLE
"GENTLEMEN OF THE LEGISLA-
"TIVE COUNCIL,—

"MR. SPEAKER AND GENTLEMEN OF
"THE LEGISLATIVE ASSEMBLY,—

"I have much pleasure in releasing you from the arduous duties which have necessitated your attendance for a somewhat prolonged period, and I desire to acknowledge the care and attention you have given to the many important and difficult subjects which have been brought before you.

"I congratulate you on the large amount of fresh legislation that you have passed, and which will no doubt be of advantage to the community.

"MR. SPEAKER AND GENTLEMEN OF
"THE LEGISLATIVE ASSEMBLY,—

"The Estimates for the year, as submitted by my Ministers, have been passed by you with but little amendment, and I thank you for the liberal supplies you have granted for carrying on the Public Service.

"MR. PRESIDENT AND HONORABLE
"GENTLEMEN OF THE LEGISLA-
"TIVE COUNCIL,—

"MR. SPEAKER AND GENTLEMEN OF
"THE LEGISLATIVE ASSEMBLY,—

"I again express a confident hope that the Public Works policy, which you have approved of, may continue to result

"in the rapid advancement and prosperity
"of the colony.

"I now declare this Parliament pro-
"rogued to Wednesday, the 22nd day of
"June next."

The session then closed.

Legislative Assembly,

Friday, 18th March, 1892.

Municipal Water Supply Preservation Bill: third
reading.—Railways Act, 1878, Further Amendment
Bill: Legislative Council's Amendments.—King
George's Sound Garrison Discipline Bill: Legis-
lative Council's Amendments: bill laid aside—
Prorogation.

THE SPEAKER took the chair at 11
a.m.

PRAYERS.

MUNICIPAL WATER SUPPLY PRESERVATION BILL.

Read a third time, and forwarded to
the Legislative Council.

RAILWAYS ACT, 1878, FURTHER AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The House went into committee for
the consideration of the following amend-
ments made by the Legislative Council
in the Railways Act, 1878, Further
Amendment Bill:

No. 1.—On page 2, clause 1 (sub-
clause 2), lines 4 and 5.—Strike
out the words "regard may be
had," and insert "such owner
shall be entitled," in lieu thereof.

No. 2.—On page 3, clause 9, line 3.—
Between the words "existing"
and "in" insert "or hereafter
to be constructed."

No. 3.—On page 4, add the following
new clause, to stand as No. 12:—
"The powers conferred upon the
Commissioner of Railways by this
Act shall be limited to Railways
owned by or worked by the Gov-
ernment."

THE ATTORNEY GENERAL (Hon.
S. Burt), without comment, moved that
Amendment No. 1 be agreed to.

Question—put and passed.

THE ATTORNEY GENERAL (Hon.
S. Burt) said that Amendment No. 2
simply gave the Commissioner power to
close any sidings that may be constructed
in the future, as well as existing sidings.
He moved that the amendment be agreed
to.

Question—put and passed.

THE ATTORNEY GENERAL (Hon.
S. Burt), without comment, moved that
Amendment No. 3 be agreed to.

MR. LOTON asked whether it was
desirable, in passing an Act of this kind,
that it should not apply to all railways
in the colony, whether owned by the
Government or not. It seemed to him a
rather unusual thing that we should have
legislation giving the Commissioner of
Railways power to control the Govern-
ment lines, but giving him no power to
control railways built on the land grant
system, which were used by the public
just as much as Government lines. To
his mind the same right of control should
exist in both cases, and he failed to see
why the Council desired to make this
distinction.

THE ATTORNEY GENERAL (Hon.
S. Burt) said the hon. member would
see on reference to the Council's amend-
ment that it only related to the "powers"
conferred on the Commissioner under
this bill. Those powers only related to
the taking of land by the Commissioner
for railway purposes after a railway had
been constructed. In the case of private
or land grant railways the owners were
not empowered, under their contract, to
take land after the railway had been
constructed, and could only take such
lands for certain specific purposes. Here
it was proposed to give the Commissioner
power, in respect of Government railways,
to take land at any time before or after
the construction of the line, and for any
purpose whatever. He did not think it
was desirable to give the same power to
the Commissioner in respect of private
lines, where the power to take land was
governed by the terms of the contract.
The only other power conferred upon the
Commissioner by this bill was the power
to make agreements as to the construc-
tion and working of sidings and the rent